

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:95CR79
	)	
v.	)	
	)	
CLARENCE ROBINSON,	)	ORDER
	)	
Defendant.	)	
	)	

This matter is before the Court on defendant's motion "under habeas corpus 28 U.S.C. § 2255 to vacate, set aside or vacate sentence by a person in federal custody" (Filing No. [157](#)). As the defendant recites in his motion, he was indicted on June 14, 1995, went to trial in October of 1995, was found guilty of a conspiracy charged in the indictment, and was sentenced on March 1, 1996, to a term of life imprisonment. He filed a direct appeal to the United States Court of Appeals for the Eighth Circuit on March 5, 1996, and on April 8, 1997, the Court of Appeals filed an opinion affirming both his conviction and sentence.

On May 27, 1998, he filed a motion pursuant to 28 U.S.C. § 2255. Following a lengthy discovery period, the defendant filed an amended motion on November 9, 1999. A hearing was subsequently held, and July 24, 2001, the Court entered an order denying his amended motion. Defendant appealed this ruling on August 2, 2001. The Court granted a certificate of

appealability on August 20, 2001, and on August 23, 2002, the Court of Appeals for the Eighth Circuit affirmed this Court's denial of his amended § 2255 motion.

The present motion was filed on August 2, 2010, approximately eight years after the Court of Appeals affirmed the denial of his original § 2255 motion. This motion is a successive motion; it is untimely filed; no permission was granted to defendant to file a successive motion; and it will be denied.

The Court further finds pursuant to 28 U.S.C. § 2253(c)(1) that no certificate of appealability should be granted. Accordingly,

IT IS ORDERED:

1) Defendant's motion to vacate pursuant to 28 U.S.C. § 2255 (Filing No. [157](#)) is denied.

2) No certificate of appealability will issue.

DATED this 14th day of January, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court